

IN RE: PETITION FOR ZONING VARIANCE
N/S Gunpowder Road, 153.2' SW
of the c/l of Cassinger Road
(7246 Gunpowder Road)
15th Election District
5th Councilmanic District
Nicholas W. DiNicola, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-372-A

MEMORANDUM AND ORDER

The Petitioners herein request a variance to permit a side yard setback of 4 feet in lieu of the required 10 feet for a proposed addition, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, zoned D.R. 5.5, is currently improved with an existing dwelling and detached garage. The Petitioners propose constructing an addition to the existing dwelling to provide additional living space and due to the layout of the land and existing improvements, the addition cannot be constructed without the requested variance. Mr. DiNicola testified that he has discussed the matter with his neighbors who indicated they have no objection.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Deputy Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested vari-

ances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of March, 1988 that a side yard setback of 4 feet in lieu of the required 10 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb. 18, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md, appearing on Feb. 18, 1988

THE JEFFERSONIAN,

Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Case number: 88-372-A
Petition for Zoning Variance
N/S Gunpowder Road, 153.2' SW of the c/l of Cassinger Road (7246 Gunpowder Road)
15th Election District - 5th Councilmanic District
Petitioners: Nicholas W. DiNicola, et ux
Hearing Scheduled: Friday, March 11, 1988 at 11:00 a.m.
Variance to allow a side yard setback of 4 feet in lieu of the required 10 feet.
(FOR SNOW DATE CALL 494-3353)
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of such permit during the period of appeal. Such request must be in writing and received in this office by the date of the hearing or before the date of the hearing.
J. ROBERT HAINEZ
Zoning Commissioner
of Baltimore County
2195 Feb. 18

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Hainez
Zoning Commissioner

Date: MAR 2 1988

Mr. & Mrs. Nicholas W. DiNicola
7246 Gunpowder Road
Baltimore, Maryland 21220

Re: Petition for Zoning Variance
Case number: 88-372-A
N/S Gunpowder Road, 153.2' SW c/l Cassinger Road
(7246 Gunpowder Road)
15th Election District - 5th Councilmanic District
Petitioners: Nicholas W. DiNicola, et ux
HEARING SCHEDULED: FRIDAY, MARCH 11, 1988 at 11:00 a.m.

Dear Mr. & Mrs. DiNicola:

Please be advised that 100% is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN NOT RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 50268
DATE 3/18/88 ACCOUNT DiNicola, Nicholas W.
AMOUNT \$ 100.00
RECEIVED FROM DiNicola, Nicholas W.
FOR Advertising and Posting Fees
YES DiNicola, Nicholas W.
SIGNER OF DiNicola, Nicholas W.
ITY DiNicola, Nicholas W.
VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C To allow a side yard setback of 4 feet in lieu of the required 10 feet

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, 1976, 310 following reasons: (Indicate hardship or practical difficulty)
1. the need for additional living quarters
 2. the need for additional bathroom facilities
 3. to update and increase the value of our home

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this 76,310 petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24 day of February, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of March, 1988, at 11 o'clock A.M.

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Hainez
Zoning Commissioner

JAN 19 1988

NOTICE OF HEARING

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(7246 Gunpowder Road)
15th Election District - 5th Councilmanic District
Petitioners: Nicholas W. DiNicola, et ux
HEARING SCHEDULED: FRIDAY, MARCH 11, 1988 at 11:00 a.m.

Variance to allow a side yard setback of 4 feet in lieu of the required 10 feet.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45785
DATE 3/18/88 ACCOUNT DiNicola, Nicholas W.
AMOUNT \$ 100.00
RECEIVED FROM DiNicola, Nicholas W.
FOR Advertising and Posting Fees
YES DiNicola, Nicholas W.
SIGNER OF DiNicola, Nicholas W.
ITY DiNicola, Nicholas W.
VALIDATION OR SIGNATURE OF CASHIER

Mr. & Mrs. Nicholas W. DiNicola
7246 Gunpowder Road
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
N/S Gunpowder Road, 153.2' SW of the c/l of Cassinger Road
15th Election District; 5th Councilmanic District
Case No. 88-372-A

Dear Mr. & Mrs. DiNicola:

Enclosed please find the decision rendered in the above-referenced case. Your Petition for Zoning Variance has been granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

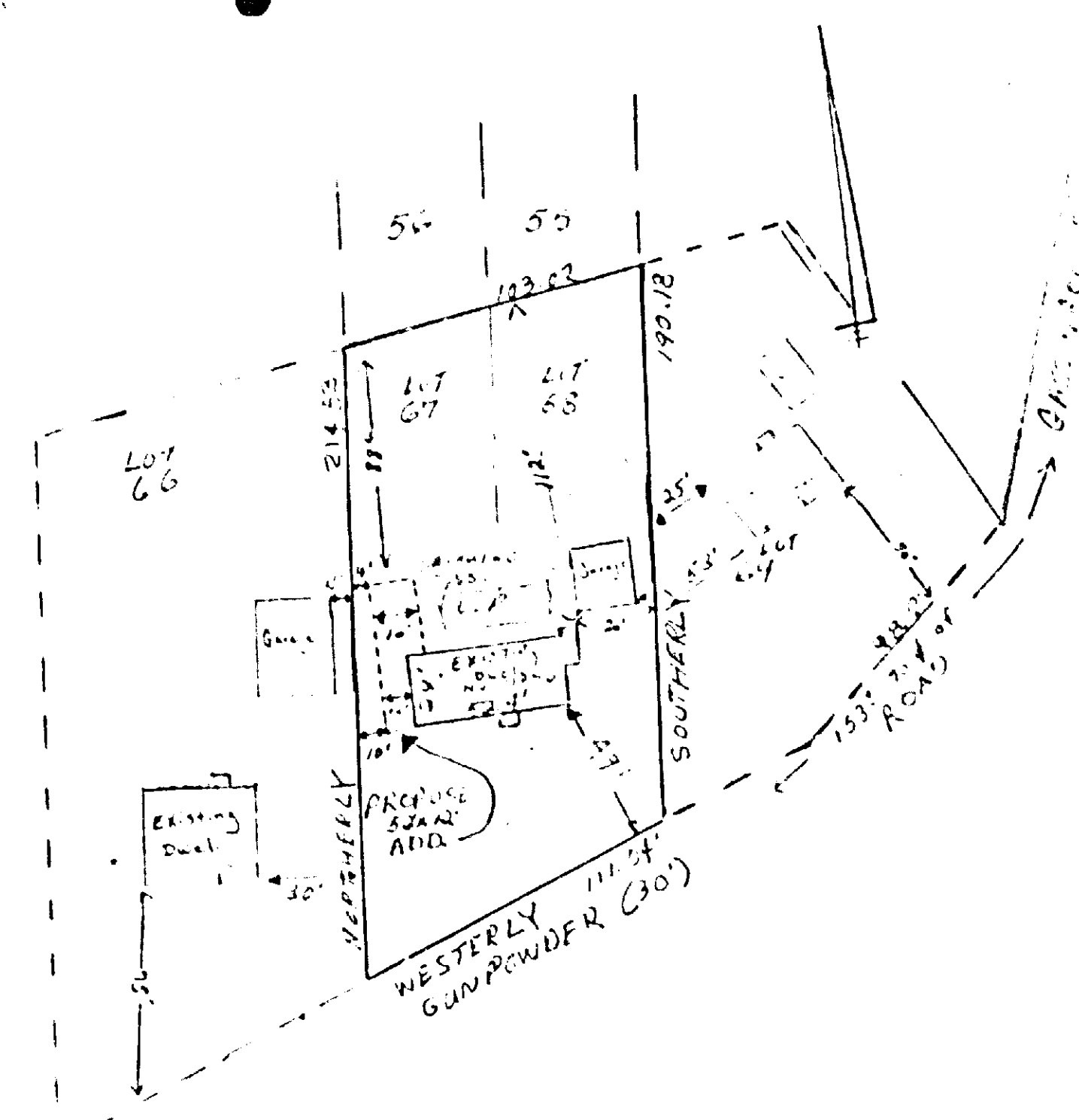
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

Enclosures

cc: People's Counsel
File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 12th
Posted for: Variance
Petitioner: Nicholas W. DiNicola, et ux
Location of property: N/S Gunpowder Rd., 153.2' SW of Cassinger Rd.
Location of Sign: 7246 Gunpowder Rd.
Remarks: On property of Petitioner
Posted by: DiNicola, Nicholas W.
Number of Signs: 1
Date of Posting: 2/22/88
Date of return: 2/24/88



PETITIONER'S EXHIBIT

Plat For Zoning Variance
Case - Nicholas W. DiNicola, et ux
Dist. 12-15, Zoned D.R. 5.5
PT LOTS 67-68, Book No. 12, Folio 056
Existing Utilities in Gunpowder Road
Scale 1" = 50'
Submitted: Olive Beach

(over)

PROPERTY DESCRIPTION

Beginning on the north side of Gunpowder Road 30 feet wide, at the distance of 153.2 feet west of the centerline of Cassinger Road, Being PT Lots 67-68, Book No. 12, Folio 056. Also known as 7246 Gunpowder Road in the 15th Election District.

CERTIFICATE OF PUBLICATION Office of THE AVENUE NEWS

177 Eastern Blvd.
L-100, Md 21221

Feb. 18, 1988

THIS IS TO CERTIFY, that the annexed advertisement of
FOR 9270 RIV. RD. 11755, TO ADVERTISE PETITION FOR ZONING
VARIANCE CASE NUMBER 88-372-A, N/S GUNPOWDER RD., 153.2' SW
C/L CASSINGER RD., (7246 GUNPOWDER RD.) 15TH ELECTION DISTRICT,
COUNCILMANIC DISTRICT, PETITIONERS: NICHOLAS W. DINICOLA, ET UX
ET UX HEARING SCHEDULED: FRIDAY, MARCH 11, 1988 at 11:00 am
RD. 50 Lines at 344-27

was inserted in The Avenue News a weekly newspaper
published in Baltimore County, Maryland once a week for one
successive week(s) before the 19th day of Feb. 1988.
that is to say, the same was inserted in the issues of 2/18/88 - 19 -

The Avenue Inc.
per publisher

By *Daniel C. McNeill*

NOTICE OF HEARING
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J. ROBERT HAINEZ
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: February 22, 1988

FROM: P. David Fields
Director of Planning and Zoning
Zoning Petition Nos. 88-372-A, 88-373-A,
88-354-SPH, 88-374-A, 88-375-A, 88-393-XA,
SUBJECT: 88-392-A, 88-358-A, 88-359-A, 88-360-A

RECEIVED
MAR 1 1988
ZONING OFFICE

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields per J. Haines
P. David Fields
Director

PDF:dme

cc: Ms. Shirley M. Hens, Legal Assistant, People's Counsel
File

CPS-008

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

January 11, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Nicholas W. DiNicola, et ux

Location: N/S Gunpowder Rd., 153.2' SW of c/l of Cassinger Rd.

Item No.: 225

Zoning Agenda: Meeting of 12/29/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neill Noted and Approved: John F. O'Neill
Planning Group Fire Prevention Bureau
Special Inspection Division

/j1

89-372-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
7th day of January, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Nicholas W. DiNicola, et ux Received by: James E. Dyer
Petitioner's Attorney Chairman, Zoning Plans
Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

February 18, 1988

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 224, 225, 227, 228, 229, 230 and 231.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/pml-a

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 25, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Mr. Nicholas W. DiNicola
7246 Gunpowder Road
Baltimore, Maryland 21220

RE: Item No. 225 - Case No. 89-372-A
Petitioner: Nicholas W. DiNicola, et ux
Petition for Zoning Variance

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Protect Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Dear Mr. DiNicola:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:skb

Enclosures